C.S. 1082 C.R.

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION No. 1960 /2004

PETITIONER

Dr. Mehmood Nayyar Azam, aged about 52 years, S/o Late Md. Ishaque, by occupation Social Worker and Medical Practitioner, R/o West Chirmiri ~~Colliery, Pondi Chirmiri,~~ Distt Korea (C.G.)

VERSUS

RESPONDENTS

1. South Eastern Coal Field Through Chairman cum Managing Director, South Eastern Coal Field Ltd. Seepat Road, Bilaspur.
2. Chairman cum Managing Director, South Eastern Coal Field Ltd. Seepat Road, Bilaspur.
3. Chief General Manager, SECL, Malviya Nagar, Chirmiri, Post Office West Chirmiri, Distt. Korea
4. Superintendent of Mines, SECL, Chirmiri, Post Office West Chirmiri, Distt. Korea
5. Sub- Area Manager, SECL, West Chirmiri, Distt Korea.
6. The Collector, Korea.

P.R. No. 2004 Presented by Shri Sanjay Agrawal

शपथ आयुक्त एम.के. शर्मा बिलासपुर तहसील कोर्ट

WRIT PETITION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA

1. Particular of the Petitioner :-

As mentioned above in the cause title.

2. Particulars of the respondents :-

As mentioned in the cause title.

153 **3. Particulars of the order against which the petition is**

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P. 1960 / ..... **सन् 200** 4

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

19-9-2005

Mr. Parag Kotecha, counsel for the petitioner.

Dr. N.K. Shukla, Senior Advocate with Mr. Sunil Mersha, Advocate for respondents No.1 to 5.

Mr. Sandeep Dubey, Govt. Advocate for respondent No.6.

Mr. Vivek Ranjan Tiwari, Advocate for Municipal Corporation, Chirmiri.

Heard.

The petitioner who is a social worker and medical practitioner at Chirmiri Colliery, Pondi, has preferred this writ petition under Articles 226 & 227 of the Constitution of India.

The case of the petitioner is that the petitioner has pointed out many illegalities and irregularities at various stages and the corruption prevailing in the coal mines area. The petitioner was also a reporter in various newspapers in the years 1990 to 1998 and he had wrote many articles about corruption and illegal coal trafficking in SECL. The petitioner had also filed Public Interest Litigation against the respondent authorities regarding corruption prevailing in the SECL. The petitioner has four children, all are studying, and they were using the SECL school bus. Daughter of the petitioner Kum. Erum Nayyar is studying in Class 6th in DAV Public School, Badtogna, Chirmiri; Wquar Nayyar is studying in Class 9th; Danish Nayyar is studying Class 12th in

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मामला क्रमांक W.P. 1960/**सन् 2004**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Lahiri Higher Secondary School, Choti Bazaar, Chirmir; and Kum. Aafrin Nayyar is a student of B.A. first year in Lahiri Mahavidyalaya, Chirmiri. All these schools/colleges are about 10-12 kms. away from the petitioner's house. Except the SECL bus, no other transport is available to these schools and the SECL authorities were allowing the children of the SECL employees as well as of the private citizens. The petitioner has applied for issuance of four passes for his children, but the respondents refused to issue passes. The petitioner sent a letter to the Human Rights Commission also. The petitioner's water connection was also disconnected on 8-7-2004. Therefore, a prayer has been made that the respondents be directed to restore water connection and issue passes of the school bus to the petitioner's children.

Return has been filed on behalf of respondents No.1 to 5 in which it has been denied that the school bus passes are not being issued on the ground of malice. The school bus is maintained by the respondents for the children of its employees, and as and when it is possible for the respondents to extend this facility to the children other than of the employees, it is always extended on humanitarian grounds, but this year, this facility was not extended to any person, or any student who are not the children of employees of the respondents. The simple reason is that it is not possible for the respondents to extend this facility to outsider

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मामला क्रमांक ..... W.P. 1960 ..... **सन् 2004**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

students, because there are only two-school buses, which are not sufficient even to provide this facility to the children of its employees.

Reply to the rejoinder has been filed by respondents No.1 to 5 on 17-10-2004 mentioning therein that the petitioner has raised two questions in the rejoinder. The petitioner is residing in West Chirmiri area. The management of West Chirmiri runs only two buses and none of the children belonging to non-SECL are permitted to use buses run by the SECL. The buses operated by other sub areas of the SECL never go through or nearby the area of the petitioner's residence. The map showing route and certificate are Annexures R-1 & R-2.

I have heard learned counsel for the parties.

In the first instance, learned counsel for the petitioner was not able to show and establish that the children of any private citizen from the area where the petitioner is residing have been extended the bus facility. There is specific reply of the respondents that children of private citizens are not being issued any pass from the place where the petitioner is residing, for using the facility of bus of the respondent Company.

Dr. Shukla, learned Senior Advocate, submitted that even the bus of the respondent Company, which goes to West Chirmiri area in order to pick up the children of the SECL employees, never passed through the road which goes to the house of the petitioner.

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -4-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

In view of the above, in the first instance, the respondents are not allowing the children of private citizens to use their bus services, in the second place, the buses of the respondent Company are not passing from the road on which the house of the petitioner exists, and the petitioner has no right to claim as of right the bus pass of the respondent Company, as the bus service is extended only to the children of the respondent Company.

As far as the water supply is concerned, it has been specifically denied that any water supply was given by the respondent Company to the petitioner. An affidavit has been filed by Mr. Ajaya Kumar Rath, Senior Personnel Officer, SECL, West Chirmiri Colliery, Chirmiri, that no individual connection to the houses of West Chirmiri, Korea Colliery, North Chirmiri, Doman Hill and Kurasia Collieries except SECL Colony, has been given. In all the localities of Municipal Corporation, Chirmiri supply of water is through public taps.

An affidavit has been filed by Mr. Rakesh Jaiswal, Commissioner, Municipal Corporation, Chirmiri, that the Municipal Corporation, Chirmiri, does not supply water in the West Chirmiri Colliery area, and the said area is controlled and managed by the SECL.

Moreover, the petitioner has not been able to establish that the respondent Company is providing water connection to the private citizens.

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -5-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Therefore, in view of the above facts, I am of the opinion that the petitioner's petition is devoid of any merit, the same is liable to be dismissed and it is hereby dismissed. Consequently, M.(W.)P.No.1763/2004 & I.A.Nos.6384/2004 stand disposed of. Sd/- L.C. Bhadoo Judge	

Soma

23.9.05